WP(C) 3101/2001

BEFORE

HON’BLE MR. JUSTICE K. SREEDHAR RAO

The petitioner was working as LDA-cum-Typist in Nazira ICDS Project, Sivasagar. The petitioner was appointed on casual basis on 11.06.93, but the petitioner joined the service on 28.06.93. According to the petitioner, her tenure came to be extended from time to time and she continued to work in the office till March, 2006, but, according to the respondent, on the basis of the Attendance Register, the petitioner worked till 07.07.2004.

It is the contention of the counsel for the petitioner that the petitioner was orally removed and she was not permitted to work in the office. The counsel for the petitioner has brought to notice the interim order, passed by this Court, on 30.04.2001, wherein this Court directed the respondent not to remove the petitioner from service. The interim order is still in operation. It is obvious that because the petitioner is prevented to work, perhaps, she could not attend to duty in office. In view of the interim order, it is to be held that the petitioner is deemed to be in continuous service from the date she is said to have been stopped working. According to the petitioner, she has received salary up to 28th February, 2003. It appears that the salary is not paid to the petitioner thereafter.

In view of the interim order, the petitioner is entitled to salary benefits whatever paid on casual basis till this day.

The petitioner has sought for regularization of service. The respondent submits that in view of the Office Memorandum, dated 16.06.2012, regularization of service of the petitioner is not permissible. The validity of the said Office Memorandum is challenged in WP(C) 1053/2012. This Court interfered with the said Office Memorandum and the Memorandum has been quashed as illegal. Against the said order, the Government has filed Writ Appeal No.45/2014. The right of regularization involved in this case directly connected with the result of the Writ Appeal filed by the Government.

In view of the above, Registry is directed to post this case along with the said Writ Appeal before the concerned roster Bench for disposal. However, till disposal of the writ petition, the respondent shall pay the salary payable at the rate fixed earlier on 01.03.2003 till this day and till disposal of the writ petition. The respondent is also directed to reinstate the petitioner in service.